

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Lead Poisoning Prevention Act is amended by  
5 changing Sections 2, 3, 4, 5, 6, 6.01, 6.1, 6.2, 6.3, 7, 7.1,  
6 7.2, 8, 8.1, 8.2, 9, 9.1, 9.4, 10, 11, 11.05, 11.1, 13, and 14  
7 and by adding Sections 8.3 and 12.2 as follows:

8 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

9 Sec. 2. Definitions. As used in this Act:

10 ~~"Abatement" means the removal or encapsulation of all~~  
11 ~~leadbearing substances in a residential building or dwelling~~  
12 ~~unit.~~

13 "Child care facility" means any structure used by a child  
14 care provider licensed by the Department of Children and Family  
15 Services or public school structure frequented by children  
16 ~~through~~ 6 years of age or younger.

17 "Childhood Lead Risk Questionnaire" means the  
18 questionnaire developed by the Department for use by physicians  
19 and other health care providers to determine risk factors for  
20 children 6 years of age or younger residing in areas designated  
21 as low risk for lead exposure.

22 "Delegate agency" means a unit of local government or  
23 health department approved by the Department to carry out the

1 provisions of this Act.

2 "Department" means the Department of Public Health ~~of the~~  
3 ~~State of Illinois.~~

4 "Director" means the Director of Public Health.

5 ~~"Dwelling" means any structure all or part of which is~~  
6 ~~designed or used for human habitation.~~

7 "Dwelling unit" means an individual unit within a  
8 residential building used as living quarters for one household.

9 "Elevated blood lead level" means a blood lead level in  
10 excess of those considered within the permissible limits as  
11 established under State and federal rules.

12 "Exposed surface" means any interior or exterior surface of  
13 a regulated facility.

14 "High risk area" means an area in the State determined by  
15 the Department to be high risk for lead exposure for children  
16 ~~through~~ 6 years of age or younger. The Department may ~~shall~~  
17 consider, but is not ~~be~~ limited to, the following factors to  
18 determine a high risk area: age and condition (using Department  
19 of Housing and Urban Development definitions of "slum" and  
20 "blighted") of housing, proximity to highway traffic or heavy  
21 local traffic or both, percentage of housing determined as  
22 rental or vacant, proximity to industry using lead, established  
23 incidence of elevated blood lead levels in children, percentage  
24 of population living below 200% of federal poverty guidelines,  
25 and number of children residing in the area who are 6 years of  
26 age or younger.

1       ~~"Exposed surface" means any interior or exterior surface of~~  
2       ~~a dwelling or residential building.~~

3       "Lead abatement" means any approved work practices that  
4       will permanently eliminate lead exposure or remove the  
5       lead-bearing substances in a regulated facility. The  
6       Department shall establish by rule which work practices are  
7       approved or prohibited for lead abatement.

8       "Lead abatement contractor" means any person or entity  
9       licensed by the Department to perform lead abatement and  
10      mitigation.

11      "Lead abatement supervisor" means any person employed by a  
12      lead abatement contractor and licensed by the Department to  
13      perform lead abatement and lead mitigation and to supervise  
14      lead workers who perform lead abatement and lead mitigation.

15      "Lead abatement worker" means any person employed by a lead  
16      abatement contractor and licensed by the Department to perform  
17      lead abatement and mitigation.

18      "Lead activities" means the conduct of any lead services,  
19      including, lead inspection, lead risk assessment, lead  
20      mitigation, or lead abatement work or supervision in a  
21      regulated facility.

22      "Lead-bearing substance" ~~"Lead bearing substance"~~ means  
23      any item containing or coated with lead such that the lead  
24      content is more than six-hundredths of one percent (0.06%) lead  
25      by total weight; or any dust on surfaces or in furniture or  
26      other nonpermanent elements of the regulated facility

1 ~~dwelling~~; or any paint or other surface coating material  
2 containing more than five-tenths of one percent (0.5%) lead by  
3 total weight (calculated as lead metal) in the total  
4 non-volatile content of liquid paint; or lead-bearing ~~lead~~  
5 ~~bearing~~ substances containing greater than one milligram per  
6 square centimeter or any lower standard for lead content in  
7 residential paint as may be established by federal law or rule  
8 ~~regulation~~; or more than 1 milligram per square centimeter in  
9 the dried film of paint or previously applied substance; or  
10 item or dust on item containing lead in excess of the amount  
11 specified in the rules ~~and regulations~~ authorized by this Act  
12 or a lower standard for lead content as may be established by  
13 federal law or rule ~~regulation~~. "Lead-bearing substance" "~~Lead~~  
14 ~~bearing substance~~" does not include firearm ammunition or  
15 components as defined by the Firearm Owners Identification Card  
16 Act.

17 "Lead hazard" means a lead-bearing ~~lead-bearing~~ substance  
18 that poses an immediate health hazard to humans.

19 "Lead hazard screen" means a lead risk assessment that  
20 involves limited dust and paint sampling for lead-bearing  
21 substances and lead hazards. This service is used as a  
22 screening tool designed to determine if further lead  
23 investigative services are required for the regulated  
24 facility.

25 "Lead inspection" means a surface-by-surface investigation  
26 to determine the presence of lead-based paint.

1       "Lead inspector" means an individual who has been trained  
2 by a Department-approved training program and is licensed by  
3 the Department to conduct lead inspections; to sample for the  
4 presence of lead in paint, dust, soil, and water; and to  
5 conduct compliance investigations.

6       "Lead mitigation" means the remediation, in a manner  
7 described in Section 9, of a lead hazard so that the  
8 lead-bearing substance does not pose an immediate health hazard  
9 to humans.

10       "Lead poisoning" means the condition of having blood lead  
11 levels in excess of those considered safe under State and  
12 federal rules ~~and regulations.~~

13       ~~"Low risk area" means an area in the State determined by~~  
14 ~~the Department to be low risk for lead exposure for children~~  
15 ~~through 6 years of age. The Department shall consider the~~  
16 ~~factors named in "high risk area" to determine low risk areas.~~

17       ~~"Mitigation" means the remediation, in a manner described~~  
18 ~~in Section 9, of a lead hazard so that the lead bearing~~  
19 ~~substance does not pose an immediate health hazard to humans.~~

20       "Lead risk assessment" means an on-site investigation to  
21 determine the existence, nature, severity, and location of lead  
22 hazards. "Lead risk assessment" includes any lead sampling and  
23 visual assessment associated with conducting a lead risk  
24 assessment and lead hazard screen and all lead sampling  
25 associated with compliance investigations.

26       "Lead risk assessor" means an individual who has been

1 trained by a Department-approved training program and is  
2 licensed by the Department to conduct lead risk assessments,  
3 lead inspections, and lead hazard screens; to sample for the  
4 presence of lead in paint, dust, soil, water, and sources for  
5 lead-bearing substances; and to conduct compliance  
6 investigations.

7 "Lead training program provider" means any person  
8 providing Department-approved lead training in Illinois to  
9 individuals seeking licensure in accordance with the Act.

10 "Low risk area" means an area in the State determined by  
11 the Department to be low risk for lead exposure for children 6  
12 years of age or younger. The Department may consider the  
13 factors named in "high risk area" to determine low risk areas.

14 "Owner" means any person, who alone, jointly, or severally  
15 with others:

16 (a) Has legal title to any regulated facility ~~dwelling~~  
17 ~~or residential building~~, with or without accompanying  
18 actual possession of the regulated facility ~~dwelling or~~  
19 ~~residential building~~, or

20 (b) Has charge, care, and control of the regulated  
21 facility ~~dwelling or residential building~~ as owner or agent  
22 of the owner, or as executor, administrator, trustee, or  
23 guardian of the estate of the owner.

24 "Person" means any individual, partnership, firm, company,  
25 limited liability company, corporation, association, joint  
26 stock company, trust, estate, political subdivision, State

1 agency, or any other legal entity, or their legal  
2 representative, agent, or assign ~~one or more natural persons,~~  
3 ~~legal entities, governmental bodies, or any combination.~~

4 "Regulated facility" means a residential building or child  
5 care facility.

6 "Residential building" means any room, group of rooms, or  
7 other interior areas of a structure designed or used for human  
8 habitation; common areas accessible by inhabitants; and the  
9 surrounding property or structures.

10 ~~"Risk assessment" means a questionnaire to be developed by~~  
11 ~~the Department for use by physicians and other health care~~  
12 ~~providers to determine risk factors for children through 6~~  
13 ~~years of age residing in areas designated as low risk for lead~~  
14 ~~exposure.~~

15 (Source: P.A. 94-879, eff. 6-20-06.)

16 (410 ILCS 45/3) (from Ch. 111 1/2, par. 1303)

17 Sec. 3. Lead-bearing ~~Lead bearing~~ substance use. No person  
18 shall use or apply lead-bearing ~~lead bearing~~ substances:

19 (a) In or upon any exposed surface of a regulated facility  
20 ~~dwelling or dwelling unit;~~

21 (b) (Blank) ~~In or around the exposed surfaces of a child~~  
22 ~~care facility or other structure frequented by children;~~

23 (c) In or upon any fixtures or other objects used,  
24 installed, or located in or upon any exposed surface of a  
25 regulated facility ~~dwelling or residential building, or child~~

1 ~~care facility~~, or intended to be so used, installed, or located  
2 and that, in the ordinary course of use, are accessible to or  
3 chewable by children;

4 (d) In or upon any items, including, but not limited to,  
5 clothing, accessories, jewelry, decorative objects, edible  
6 items, candy, food, dietary supplements, toys, furniture, or  
7 other articles used by or intended to be chewable by children;

8 (e) Within or upon a regulated facility ~~residential~~  
9 ~~building or dwelling, child care facility, school, playground,~~  
10 park, or recreational area, or other areas regularly frequented  
11 by children.

12 (Source: P.A. 94-879, eff. 6-20-06.)

13 (410 ILCS 45/4) (from Ch. 111 1/2, par. 1304)

14 Sec. 4. Sale of items containing lead-bearing ~~lead-bearing~~  
15 substance. No person shall sell, have, offer for sale, or  
16 transfer toys, furniture, clothing, accessories, jewelry,  
17 decorative objects, edible items, candy, food, dietary  
18 supplements, or other articles used by or intended to be  
19 chewable by children that contains a lead-bearing ~~lead-bearing~~  
20 substance.

21 (Source: P.A. 94-879, eff. 6-20-06.)

22 (410 ILCS 45/5) (from Ch. 111 1/2, par. 1305)

23 Sec. 5. Sale of objects containing lead-bearing ~~lead~~  
24 ~~bearing~~ substance. No person shall sell or transfer or offer

1 for sale or transfer any fixtures or other objects intended to  
2 be used, installed, or located in or upon any surface of a  
3 regulated facility ~~dwelling or residential building, or child~~  
4 ~~care facility~~, that contains a lead-bearing ~~lead-bearing~~  
5 substance and that, in the ordinary course of use, are  
6 accessible to or chewable by children.

7 (Source: P.A. 94-879, eff. 6-20-06.)

8 (410 ILCS 45/6) (from Ch. 111 1/2, par. 1306)

9 Sec. 6. Warning statement.

10 (a) Definitions. As used in this Section:

11 "Body piercing jewelry" means any part of jewelry that is  
12 manufactured or sold for placement in a new piercing or a  
13 mucous membrane, but does not include any part of that jewelry  
14 that is not placed within a new piercing or a mucous membrane.

15 "Children's jewelry" means jewelry that is made for,  
16 marketed for use by, or marketed to children under the age of  
17 12 and includes jewelry that meets any of the following  
18 conditions:

19 (1) represented in its packaging, display, or  
20 advertising as appropriate for use by children under the  
21 age of 12;

22 (2) sold in conjunction with, attached to, or packaged  
23 together with other products that are packaged, displayed,  
24 or advertised as appropriate for use by children under the  
25 age of 12;

1           (3) sized for children and not intended for use by  
2 adults; or

3           (4) sold in any of the following places: a vending  
4 machine; a retail store, catalogue, or online Web site in  
5 which a person exclusively offers for sale products that  
6 are packaged, displayed, or advertised as appropriate for  
7 use by children; or a discrete portion of a retail store,  
8 catalogue, or online Web site in which a person offers for  
9 sale products that are packaged, displayed or advertised as  
10 appropriate for use by children.

11       "Child care article" means an item that is designed or  
12 intended by the manufacturer to facilitate the sleep,  
13 relaxation, or feeding of children ~~under the age of 6~~ years of  
14 age or younger or to help with children ~~under the age of 6~~  
15 years of age or younger who are sucking or teething. An item  
16 meets this definition if it is (i) designed or intended to be  
17 used directly in the mouth by the child or (ii) is used to  
18 facilitate sleep, relaxation, or feeding of children ~~under the~~  
19 ~~age of 6~~ years of age or younger or help with children ~~under~~  
20 ~~the age of 6~~ years of age or younger who are sucking or  
21 teething and, because of its proximity to the child, is likely  
22 to be mouthed, chewed, sucked, or licked.

23       "Jewelry" means any of the following ornaments worn by a  
24 person:

25           (A) Ankle bracelet.

26           (B) Arm cuff.

1 (C) Bracelet.

2 (D) Brooch.

3 (E) Chain.

4 (F) Crown.

5 (G) Cuff link.

6 (H) Hair accessory.

7 (I) Earring.

8 (J) Necklace.

9 (K) Decorative pin.

10 (L) Ring.

11 (M) Body piercing jewelry.

12 (N) Jewelry placed in the mouth for display or  
13 ornament.

14 (O) Any charm, bead, chain, link, pendant, or other  
15 component of the items listed in this definition.

16 (P) A charm, bead, chain, link, pendant, or other  
17 attachment to shoes or clothing that can be removed and may  
18 be used as a component of an item listed in this  
19 definition.

20 (Q) A watch in which a timepiece is a component of an  
21 item listed in this definition, excluding the timepiece  
22 itself if the timepiece can be removed from the ornament.

23 "Toy containing paint" means a toy with an accessible  
24 component containing any external coating, including, but not  
25 limited to, paint, ink, lacquer, or screen printing, designed  
26 for or intended for use by children under the age of 12 at

1 play. For the purposes of this Section, "toy" is any object  
2 designed, manufactured, or marketed as a plaything for children  
3 under the age of 12 and is excluded from the definitions of  
4 "child care article" and "jewelry". In determining whether a  
5 toy containing paint is designed for or intended for use by  
6 children under the age of 12, the following factors shall be  
7 considered:

8 (i) a statement by a manufacturer about the intended  
9 use of the product, including a label on the product, if  
10 such statement is reasonable;

11 (ii) whether the product is represented in its  
12 packaging, display, promotion, or advertising as  
13 appropriate for children under the age of 12; and

14 (iii) whether the product is commonly recognized by  
15 consumers as being intended for use by a child under the  
16 age of 12.

17 (b) Children's products. Effective January 1, 2010, no  
18 person, firm, or corporation shall sell, have, offer for sale,  
19 or transfer the items listed in this Section that contain a  
20 total lead content in any component part of the item that is  
21 more than 0.004% (40 parts per million) but less than 0.06%  
22 (600 parts per million) by total weight or a lower standard for  
23 lead content as may be established by federal or State law or  
24 rule ~~regulation~~ unless that item bears a warning statement that  
25 indicates that at least one component part of the item contains  
26 lead.

1           The warning statement for items covered under this  
2 subsection (b) shall contain at least the following: "WARNING:  
3 CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. COMPLIES WITH  
4 FEDERAL STANDARDS."

5           An entity is in compliance with this subsection (b) if the  
6 warning statement is provided on the children's product or on  
7 the label on the immediate container of the children's product.  
8 This subsection (b) does not apply to any product for which  
9 federal law governs warning in a manner that preempts State  
10 authority.

11           The warning statement required under this subsection (b) is  
12 not required if the component parts of the item containing lead  
13 are inaccessible to a child through normal and reasonably  
14 foreseeable use and abuse as defined by the United States  
15 Consumer Product Safety Commission.

16           The warning statement required under this subsection (b) is  
17 not required if the component parts in question are exempt from  
18 third-party testing as determined by the United States Consumer  
19 Product Safety Commission.

20           (c) Other lead-bearing ~~lead-bearing~~ substance. No person,  
21 firm, or corporation shall have, offer for sale, sell, or give  
22 away any lead-bearing ~~lead-bearing~~ substance that may be used  
23 by the general public, except as otherwise provided in  
24 subsection (b) of this Section, unless it bears the warning  
25 statement as prescribed by federal rule ~~regulation~~. (i) If no  
26 rule ~~regulation~~ is prescribed, the warning statement shall be

1 as follows when the lead-bearing ~~lead-bearing~~ substance is a  
2 lead-based paint or surface coating: "WARNING--CONTAINS LEAD.  
3 MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on (Side  
4 or Back) Panel. Do not apply on toys, or other children's  
5 articles, furniture, or interior, or exterior exposed surfaces  
6 of any residential building or facility that may be occupied or  
7 used by children. KEEP OUT OF THE REACH OF CHILDREN.". (ii) If  
8 no rule ~~regulation~~ is prescribed, the warning statement shall  
9 be as follows when the lead-bearing ~~lead-bearing~~ substance  
10 contains lead-based paint or a form of lead other than  
11 lead-based paint: "WARNING CONTAINS LEAD. MAY BE HARMFUL IF  
12 EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF  
13 THE REACH OF CHILDREN."

14 For the purposes of this subsection (c), the generic term  
15 of a product, such as "paint" may be substituted for the word  
16 "substance" in the above labeling.

17 (d) The warning statements on items covered in subsections  
18 (a), (b), and (c) of this Section shall be in accordance with,  
19 or substantially similar to, the following:

20 (1) the statement shall be located in a prominent place  
21 on the item or package such that consumers are likely to  
22 see the statement when it is examined under retail  
23 conditions;

24 (2) the statement shall be conspicuous and not obscured  
25 by other written matter;

26 (3) the statement shall be legible; and

1           (4) the statement shall contrast with the typography,  
2           layout and color of the other printed matter.

3           Compliance with 16 C.F.R. 1500.121 adopted under the  
4           Federal Hazardous Substances Act constitutes compliance with  
5           this subsection (d).

6           (e) The manufacturer or importer of record shall be  
7           responsible for compliance with this Section.

8           (f) Subsection (c) of this Section does not apply to any  
9           component part of a consumer electronic product, including, but  
10          not limited to, personal computers, audio and video equipment,  
11          calculators, wireless phones, game consoles, and handheld  
12          devices incorporating a video screen used to access interactive  
13          software and their associated peripherals, that is not  
14          accessible to a child through normal and reasonably foreseeable  
15          use of the product. A component part is not accessible under  
16          this subsection (f) if the component part is not physically  
17          exposed by reason of a sealed covering or casing and does not  
18          become physically exposed through reasonably foreseeable use  
19          and abuse of the product. Paint, coatings, and electroplating,  
20          singularly or in any combination, are not sufficient to  
21          constitute a sealed covering or casing for purposes of this  
22          Section. Coatings and electroplating are sufficient to  
23          constitute a sealed covering for connectors, power cords, USB  
24          cables, or other similar devices or components used in consumer  
25          electronics products.

26          (Source: P.A. 97-612, eff. 1-1-12.)

1 (410 ILCS 45/6.01)

2 Sec. 6.01. Warning statement where supplies sold.

3 (a) Any retailer, store, or commercial establishment that  
4 offers paint or other supplies intended for the removal of  
5 paint shall display, in a prominent and easily visible  
6 location, a poster containing, at a minimum, the following:

7 (1) a statement that dry sanding and dry scraping of  
8 paint in regulated facilities ~~dwellings~~ built before 1978  
9 is dangerous;

10 (2) a statement that the improper removal of old paint  
11 is a significant source of lead dust and the primary cause  
12 of lead poisoning; and

13 (3) contact information where consumers can obtain  
14 more information.

15 (b) The Department shall provide sample posters and  
16 brochures that commercial establishments may use. The  
17 Department shall make these posters and brochures available in  
18 hard copy and via download from the Department's Internet  
19 website.

20 (c) A commercial establishment shall be deemed to be in  
21 compliance with this Section if the commercial establishment  
22 displays lead poisoning prevention posters or provides  
23 brochures to its customers that meet the minimum requirements  
24 of this Section but come from a source other than the  
25 Department.

1 (Source: P.A. 94-879, eff. 6-20-06.)

2 (410 ILCS 45/6.1) (from Ch. 111 1/2, par. 1306.1)

3 Sec. 6.1. Removal of leaded soil. The Department shall, in  
4 consultation with the Illinois Environmental Protection Agency  
5 ~~EPA~~, specify safety guidelines for workers undertaking  
6 removal or covering of leaded soil. Soil inspection  
7 requirements shall apply to inspection of regulated  
8 ~~residential buildings or child care~~ facilities subject to the  
9 requirements of this Section.

10 (Source: P.A. 87-175.)

11 (410 ILCS 45/6.2) (from Ch. 111 1/2, par. 1306.2)

12 Sec. 6.2. Testing ~~Physicians to screen~~ children and  
13 pregnant persons.

14 (a) Any ~~Every~~ physician licensed to practice medicine in  
15 all its branches or health care provider who sees or treats ~~or~~  
16 ~~health care provider shall screen~~ children 6 months through 6  
17 years of age or younger shall test those children for lead  
18 poisoning when those children ~~who are determined to~~ reside in  
19 an area defined as high risk by the Department. Children  
20 residing in areas defined as low risk by the Department shall  
21 be evaluated ~~assessed~~ for risk by the Childhood Lead Risk  
22 Questionnaire ~~a risk assessment procedure~~ developed by the  
23 Department and tested if indicated. Children shall be evaluated  
24 ~~screened~~, in accordance with rules adopted by the Department

1 ~~guidelines and criteria set forth by the American Academy of~~  
2 ~~Pediatrics, at the priority intervals and using the methods~~  
3 ~~specified in the guidelines.~~

4 (b) Each licensed, registered, or approved health care  
5 facility serving children ~~from 6 months through~~ 6 years of age  
6 or younger, including but not limited to, health departments,  
7 hospitals, clinics, and health maintenance organizations  
8 approved, registered, or licensed by the Department, shall take  
9 the appropriate steps to ensure that children 6 years of age or  
10 younger be evaluated for risk or tested for ~~the patients~~  
11 ~~receive~~ lead poisoning or both ~~screening, where medically~~  
12 ~~indicated or appropriate.~~

13 (c) Children 7 ~~6~~ years and older and pregnant persons may  
14 also be tested ~~screened~~ by physicians or health care providers,  
15 in accordance with rules adopted by the Department ~~guidelines~~  
16 ~~and criteria set forth by the American Academy of Pediatrics,~~  
17 ~~according to the priority intervals specified in the~~  
18 ~~guidelines.~~ Physicians and health care providers shall also  
19 evaluate ~~screen~~ children for lead poisoning in conjunction with  
20 the school health examination, as required under the School  
21 Code, when, in the medical judgement of the physician, advanced  
22 practice nurse who has a written collaborative agreement with a  
23 collaborating physician that authorizes the advance practice  
24 nurse to perform health examinations, or physician assistant  
25 who has been delegated to perform health examinations by the  
26 supervising physician, the child is potentially at high risk of

1 lead poisoning.

2 (d) (Blank). ~~Nothing in this Section shall be construed to~~  
3 ~~require any child to undergo a lead blood level screening or~~  
4 ~~test whose parent or guardian objects on the grounds that the~~  
5 ~~screening or test conflicts with his or her religious beliefs.~~

6 (Source: P.A. 93-104, eff. 1-1-04.)

7 (410 ILCS 45/6.3)

8 Sec. 6.3. Information provided by the Department of  
9 Healthcare and Family Services.

10 (a) The Director of Healthcare and Family Services shall  
11 provide, upon request of the Director of Public Health, an  
12 electronic record of all children 6 ~~less than 7~~ years of age or  
13 younger who receive Medicaid, Kidcare, or other health care  
14 benefits from the Department of Healthcare and Family Services.  
15 The records shall include a history of claims filed for each  
16 child and the health care provider who rendered the services.  
17 On at least an annual basis, the Director of Public Health  
18 shall match the records provided by the Department of  
19 Healthcare and Family Services with the records of children  
20 receiving lead tests, as reported to the Department under  
21 Section 7 of this Act.

22 (b) The Director of Healthcare and Family Services shall  
23 prepare a report documenting the frequency of lead testing and  
24 elevated blood and lead levels among children receiving  
25 benefits from the Department of Healthcare and Family Services.

1 On at least an annual basis, the Director of Healthcare and  
2 Family Services shall prepare and deliver a report to each  
3 health care provider who has rendered services to children  
4 receiving benefits from the Department of Healthcare and Family  
5 Services. The report shall contain the aggregate number of  
6 children receiving benefits from the Department of Healthcare  
7 and Family Services to whom the provider has provided services,  
8 the number and percentage of children tested for lead  
9 poisoning, and the number and percentage of children having an  
10 elevated blood lead level. The Department of Public Health may  
11 exclude health care providers who provide specialized or  
12 emergency medical care and who are unlikely to be the primary  
13 medical care provider for a child. Upon the request of a  
14 provider, the Department of Public Health may generate a list  
15 of individual patients treated by that provider according to  
16 the claims records and the patients' lead test results.

17 (Source: P.A. 94-879, eff. 6-20-06.)

18 (410 ILCS 45/7) (from Ch. 111 1/2, par. 1307)

19 Sec. 7. Reports of lead poisoning required; lead  
20 information to remain confidential; disclosure prohibited.  
21 Every physician who diagnoses, or a health care provider,  
22 nurse, hospital administrator, or public health officer who has  
23 verified information of the existence of a blood lead test  
24 result for any child or pregnant person shall report the result  
25 to the Department. Results ~~person found or suspected to have a~~

1 ~~level of lead in the blood~~ in excess of the permissible limits  
2 set forth in rules ~~regulations~~ adopted by the Department shall  
3 be reported to the Department, within 48 hours of receipt of  
4 verification. Reports, shall include ~~report to the Department~~  
5 the name, address, laboratory results, date of birth, and any  
6 other information about the child or pregnant person deemed  
7 essential by the Department. Directors of clinical  
8 laboratories must report to the Department, within 48 hours of  
9 receipt of verification, ~~positive results of~~ all blood lead  
10 analyses above permissible limits set forth in rule performed  
11 in their facility. The information included in the clinical  
12 laboratories report shall include, but not be limited to, the  
13 child's name, address, date of birth, name of physician  
14 ordering analysis, and specimen type. All blood lead levels  
15 less than the permissible limits set forth in rule ~~negative~~  
16 ~~results~~ must be reported to the Department in accordance with  
17 rules adopted by the Department. These rules shall not require  
18 reporting in less than 30 days after the end of the month in  
19 which the ~~negative~~ results are obtained. All information  
20 obtained by the Department from any source and all information,  
21 data, reports, e-mails, letters, and other documents generated  
22 by the Department or any of its delegate agencies concerning  
23 any person subject to this Act receiving a blood lead test  
24 ~~reports~~ shall be treated in the same manner as information  
25 subject to the provisions of Part 21 of Article VIII of the  
26 Code of Civil Procedure and shall not be disclosed. This

1 prohibition on disclosure extends to all information and  
2 reports obtained or created by the Department or any of its  
3 delegate agencies concerning any regulated facility that has  
4 been identified as a potential lead hazard or a source of lead  
5 poisoning. Any physician, nurse, hospital administrator,  
6 director of a clinical laboratory, public health officer, or  
7 allied health professional making a report in good faith shall  
8 be immune from any civil or criminal liability that otherwise  
9 might be incurred from the making of a report.

10 (Source: P.A. 89-381, eff. 8-18-95; 90-182, eff. 1-1-98.)

11 (410 ILCS 45/7.1) (from Ch. 111 1/2, par. 1307.1)

12 Sec. 7.1. Requirements for child ~~Child~~ care facilities ~~must~~  
13 ~~require lead blood level screening for admission.~~ Each ~~By~~  
14 ~~January 1, 1993,~~ ~~each~~ day care center, day care home,  
15 preschool, nursery school, kindergarten, or other child care  
16 facility, licensed or approved by the State, including such  
17 programs operated by a public school district, shall include a  
18 requirement that each parent or legal guardian of a child  
19 between one and 7 ~~between the ages of 6 months through 6 years~~  
20 of age provide a statement from a physician or health care  
21 provider that the child has been ~~risk~~ assessed for risk of lead  
22 poisoning or tested or both, as provided in Section 6.2, ~~if the~~  
23 ~~child resides in an area defined as low risk by the Department,~~  
24 ~~or screened for lead poisoning as provided for in Section 6.2,~~  
25 ~~if the child resides in an area defined as high risk.~~ This

1 statement shall be provided prior to admission and subsequently  
2 in conjunction with required physical examinations.

3 ~~Nothing in this Section shall be construed to require any~~  
4 ~~child to undergo a lead blood level screening or test whose~~  
5 ~~parent or guardian objects on the grounds that the screening or~~  
6 ~~test conflicts with his or her religious beliefs.~~

7 Child care facilities that participate in the Illinois  
8 Child Care Assistance Program (CCAP) shall annually send or  
9 deliver to the parents or guardians of children enrolled in the  
10 facility's care an informational pamphlet regarding awareness  
11 of lead ~~paint~~ poisoning. Pamphlets shall be produced and made  
12 available by the Department and shall be downloadable from the  
13 Department's Internet website. The Department of Human  
14 Services and the Department of Public Health shall assist in  
15 the distribution of the pamphlet.

16 (Source: P.A. 94-879, eff. 6-20-06.)

17 (410 ILCS 45/7.2) (from Ch. 111 1/2, par. 1307.2)

18 Sec. 7.2. Laboratory fees for blood lead testing ~~screening~~;  
19 Lead Poisoning Fund.

20 (a) The Department may establish fees according to a  
21 reasonable fee structure to cover the cost of providing a  
22 testing service for laboratory analysis of blood lead tests and  
23 any necessary follow-up. Fees collected from the Department's  
24 testing service shall be placed in a special fund in the State  
25 treasury known as the Lead Poisoning Screening, Prevention, and

1 Abatement Fund. Other State and federal funds for expenses  
2 related to lead poisoning screening, follow-up, treatment, and  
3 abatement programs may also be placed in the Fund. Moneys shall  
4 be appropriated from the Fund to the Department ~~of Public~~  
5 ~~Health solely~~ for the implementation and enforcement of this  
6 Act the purposes of providing lead screening, follow up, and  
7 treatment programs.

8 (b) The Department shall apply to the Department of  
9 Healthcare and Family Services for all approved lead testing  
10 and evaluation activities for Medicaid-eligible children.  
11 Established Current Procedural Terminology (CPT) Codes shall  
12 be used to determine billable lead poisoning prevention  
13 services. Funds shall be placed in the Lead Poisoning  
14 Screening, Prevention, and Abatement Fund.

15 (c) Any delegate agency may establish fees, according to a  
16 reasonable fee structure, to cover the costs of drawing blood  
17 for blood lead testing and evaluation ~~screening~~ and any  
18 necessary follow-up.

19 (Source: P.A. 87-175.)

20 (410 ILCS 45/8) (from Ch. 111 1/2, par. 1308)

21 Sec. 8. Inspection of dwelling units ~~buildings~~ occupied or  
22 previously occupied by a person with an elevated blood lead  
23 level ~~screening positive~~. A representative of the Department,  
24 or delegate agency, shall ~~may~~, after notification that an  
25 occupant of a regulated facility ~~the dwelling unit in question~~

1 is found to have an elevated ~~a~~ blood lead level as ~~value of the~~  
2 ~~value~~ set forth in Section 7, upon presentation of the  
3 appropriate credentials to the owner, occupant, or his  
4 representative, inspect the affected dwelling units ~~dwelling~~  
5 ~~or dwelling units~~, at reasonable times, for the purposes of  
6 ascertaining that all surfaces accessible to children are  
7 intact and in good repair, and for purposes of ascertaining the  
8 existence of lead-bearing ~~lead-bearing~~ substances. Such  
9 representative of the Department, or delegate agency, may  
10 remove samples or objects necessary for laboratory analysis, in  
11 the determination of the presence of lead-bearing substances in  
12 the regulated facilities ~~designated dwelling or dwelling unit~~.

13 If a regulated facility ~~building~~ is occupied by a child of  
14 less than 3 years of age with an elevated blood lead level  
15 ~~screening positive~~, the Department, in addition to all other  
16 requirements of this Section, must inspect the dwelling unit  
17 and common place area of the child with an elevated blood lead  
18 level ~~screening positive~~.

19 Following the inspection, the Department or its delegate  
20 agency shall:

21 (1) Prepare an inspection report which shall:

22 (A) State the address of the dwelling unit.

23 (B) Describe the scope of the inspection, the  
24 inspection procedures used, and the method of  
25 ascertaining the existence of a lead-bearing ~~lead~~  
26 ~~bearing~~ substance in the dwelling unit.

1 (C) State whether any lead-bearing ~~lead-bearing~~  
2 substances were found in the dwelling unit.

3 (D) Describe the nature, extent, and location of  
4 any lead-bearing ~~lead-bearing~~ substance that is found.

5 (E) State either that a lead hazard does exist or  
6 that a lead hazard does not exist. If a lead hazard  
7 does exist, the report shall describe the source,  
8 nature and location of the lead hazard. The existence  
9 of intact lead paint does not alone constitute a lead  
10 hazard for the purposes of this Section.

11 (F) Give the name of the person who conducted the  
12 inspection and the person to contact for further  
13 information regarding the inspection and the  
14 requirements of this Act.

15 (2) Mail or otherwise provide a copy of the inspection  
16 report to the property owner and to the occupants of the  
17 dwelling unit. If a lead-bearing ~~lead-bearing~~ substance is  
18 found, at the time of providing a copy of the inspection  
19 report, the Department or its delegate agency shall attach  
20 an informational brochure.

21 (Source: P.A. 94-879, eff. 6-20-06.)

22 (410 ILCS 45/8.1) (from Ch. 111 1/2, par. 1308.1)

23 Sec. 8.1. Licensing of lead inspectors and lead risk  
24 assessors.

25 (a) ~~The~~ By January 1, 1994, the Department shall establish

1 standards and licensing procedures for lead inspectors and lead  
2 risk assessors. An integral element of these procedures shall  
3 be an education and training program prescribed by the  
4 Department which shall include but not be limited to scientific  
5 sampling, chemistry, and construction techniques. No person  
6 shall make inspections or risk assessments without first being  
7 licensed by the Department. The penalty for inspection or risk  
8 assessment without a license shall be a Class A misdemeanor and  
9 an administrative fine.

10 (b) The Department shall charge licensed lead inspectors  
11 and lead risk assessors reasonable license fees and the fees  
12 shall be placed in the Lead Poisoning Screening, Prevention,  
13 and Abatement Fund and used to fund the Department's licensing  
14 of lead inspectors and lead risk assessors and any other  
15 activities prescribed by this Act. A licensed lead ~~An~~ inspector  
16 or lead risk assessor employed by the Department or its  
17 delegate agency shall not be charged a license fee.

18 (Source: P.A. 87-175.)

19 (410 ILCS 45/8.2) (from Ch. 111 1/2, par. 1308.2)

20 Sec. 8.2. Warrant procedures. If the occupant of a  
21 regulated facility ~~residential building or dwelling~~ designated  
22 for inspection under Section 8 refuses to allow inspection, an  
23 agent of the Department or of the Department's delegate agency  
24 may apply for a search warrant to permit entry. A court may  
25 issue a warrant upon receiving verification ~~a showing~~ that a

1 victim of lead poisoning resides or has recently resided in the  
2 regulated facility during the previous 6 months ~~residential~~  
3 ~~building~~. The findings of the inspection shall be reported to  
4 the Department and to the appropriate enforcement authorities  
5 established in this Act.

6 (Source: P.A. 87-175.)

7 (410 ILCS 45/8.3 new)

8 Sec. 8.3. Stop work orders. Whenever the Department or its  
9 delegate agency finds that a situation exists that requires  
10 immediate action to protect the public health, it may, without  
11 notice or hearing, issue an order requiring that such action be  
12 taken as it may deem necessary to protect the public health,  
13 including, but not limited to, the issuance of a stop work  
14 order, ordering the immediate suspension of any improper  
15 activities that may disturb a lead-bearing surface, and  
16 requiring that any person found to be improperly conducting  
17 such activities immediately cease work. Notwithstanding any  
18 other provision in this Act, such order shall be effective  
19 immediately. The Attorney General, State's Attorney, or  
20 Sheriff of the county in which the property is located has  
21 authority to enforce the order after receiving notice thereof.  
22 Any person subject to such an order is entitled, upon written  
23 request to the Department, to a hearing to determine the  
24 continued validity of the order.

1 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

2 Sec. 9. Procedures upon determination of lead hazard.

3 (1) If the inspection report identifies a lead hazard, the  
4 Department or delegate agency shall serve a mitigation notice  
5 on the property owner that the owner is required to mitigate  
6 the lead hazard, and shall indicate the time period specified  
7 in this Section in which the owner must complete the  
8 mitigation. The notice shall include information describing  
9 mitigation activities which meet the requirements of this Act.

10 (2) If the inspection report identifies a lead hazard, the  
11 owner shall mitigate the lead hazard in a manner prescribed by  
12 the Department and within the time limit prescribed by this  
13 Section. The Department shall adopt rules regarding acceptable  
14 methods of mitigating a lead hazard. If the source of the lead  
15 hazard identified in the inspection report is lead paint or any  
16 other lead-bearing ~~leaded~~ surface coating, the lead hazard  
17 shall be deemed to have been mitigated if:

18 (A) the ~~The~~ surface identified as the source of the  
19 lead hazard is no longer in a condition that produces a  
20 hazardous level of lead ~~leaded~~ chips, flakes, dust or any  
21 other form of lead-bearing ~~leaded~~ substance, that can be  
22 ingested or inhaled by humans, ~~or~~;

23 (B) ~~If~~ the surface identified as the source of the lead  
24 hazard is no longer accessible to children and could not  
25 reasonably be chewed on by children; or, ~~the surface~~  
26 ~~coating is either removed or covered, the surface is~~

1 ~~removed, or the access to the leaded surface by children is~~  
2 ~~otherwise prevented as prescribed by the Department.~~

3 (C) the surface coating identified as the source of the  
4 lead hazard is either removed or covered, or child access  
5 to the lead-bearing surface is otherwise prevented as  
6 prescribed by the Department.

7 (3) Mitigation activities which involve the destruction or  
8 disturbance of any lead-bearing ~~leaded~~ surface shall be  
9 conducted by a licensed lead abatement contractor using  
10 licensed lead abatement supervisors or lead abatement workers.  
11 The Department may prescribe by rule mitigation activities that  
12 may be performed without a licensed lead abatement contractor,  
13 lead abatement supervisor, or lead abatement worker. The  
14 Department may, on a case by case basis, grant a waiver of the  
15 requirement to use licensed lead abatement contractors, lead  
16 abatement supervisors, and lead abatement workers, provided  
17 the waiver does not endanger the health or safety of humans.

18 (4) The Department shall establish procedures whereby an  
19 owner, after receiving a mitigation notice under this Section,  
20 may submit a mitigation plan to the Department or delegate  
21 agency for review and approval.

22 (5) When a mitigation notice is issued for a dwelling unit  
23 inspected as a result of an elevated blood lead level in a  
24 pregnant person ~~woman~~ or a child, or if the dwelling unit is  
25 occupied by a child ~~under~~ 6 years of age or younger or a  
26 pregnant person ~~woman~~, the owner shall mitigate the hazard

1 within 30 days of receiving the notice; when no such child or  
2 pregnant person occupies the dwelling unit otherwise, the owner  
3 shall complete the mitigation within 90 days.

4 (6) An owner may apply to the Department or its delegate  
5 agency for an extension of the deadline for mitigation. If the  
6 Department or its delegate agency determines that the owner is  
7 making substantial progress toward mitigation, or that the  
8 failure to meet the deadline is the result of a shortage of  
9 licensed lead abatement contractors, lead abatement  
10 supervisors, or lead abatement workers, or that the failure to  
11 meet the deadline is because the owner is awaiting the review  
12 and approval of a mitigation plan, the Department or delegate  
13 agency may grant an extension of the deadline.

14 (7) The Department or its delegate agency may, after the  
15 deadline set for completion of mitigation, conduct a follow-up  
16 inspection of any dwelling unit for which a mitigation notice  
17 was issued for the purpose of determining whether the  
18 mitigation actions required have been completed and whether the  
19 activities have sufficiently mitigated the lead hazard as  
20 provided under this Section. The Department or its delegate  
21 agency may conduct a follow-up inspection upon the request of  
22 an owner or resident. If, upon completing the follow-up  
23 inspection, the Department or its delegate agency finds that  
24 the lead hazard for which the mitigation notice was issued is  
25 not mitigated, the Department or its delegate agency shall  
26 serve the owner with notice of the deficiency and a mitigation

1 order. The order shall indicate the specific actions the owner  
2 must take to comply with the mitigation requirements of this  
3 Act, which may include lead abatement if lead abatement is the  
4 sole means by which the lead hazard can be mitigated. The order  
5 shall also include the date by which the mitigation shall be  
6 completed. If, upon completing the follow-up inspection, the  
7 Department or delegate agency finds that the mitigation  
8 requirements of this Act have been satisfied, the Department or  
9 delegate agency shall provide the owner with a certificate of  
10 compliance stating that the required mitigation has been  
11 accomplished.

12 (Source: P.A. 87-175; 87-1144.)

13 (410 ILCS 45/9.1) (from Ch. 111 1/2, par. 1309.1)

14 Sec. 9.1. Owner's obligation to give notice. An owner of a  
15 regulated facility ~~dwelling unit or residential building~~ who  
16 has received a mitigation notice under Section 9 of this Act  
17 shall, before entering into a new lease agreement or sales  
18 contract for the dwelling unit for which the mitigation notice  
19 was issued, provide prospective lessees or purchasers of that  
20 unit with written notice that a lead hazard has previously been  
21 identified in the dwelling unit, unless the owner has obtained  
22 a certificate of compliance for the unit under Section 9. An  
23 owner may satisfy this notice requirement by providing the  
24 prospective lessee or purchaser with a copy of the inspection  
25 report prepared pursuant to Section 9.

1           Before entering into a residential lease agreement or sales  
2 contract, all owners of regulated facilities containing  
3 dwelling units ~~residential buildings or dwelling units~~ built  
4 before 1978 shall give prospective lessees or purchasers  
5 information on the potential health hazards posed by lead in  
6 regulated facilities ~~residential dwellings~~ by providing ~~the~~  
7 prospective lessees or purchasers ~~lessee~~ with a copy of an  
8 informational brochure prepared by the Department. ~~Within one~~  
9 ~~year of the effective date of this amendatory Act of 1992,~~  
10 ~~owners of residential buildings or dwelling units built before~~  
11 ~~1978 shall provide current lessees with such brochure.~~

12           (Source: P.A. 87-1144.)

13           (410 ILCS 45/9.4)

14           Sec. 9.4. Owner's obligation to post notice. The owner of a  
15 regulated facility ~~dwelling unit or residential building~~ who  
16 has received a mitigation notice under Section 9 of this Act  
17 shall post notices at all entrances to ~~in common areas of the~~  
18 regulated facility ~~building~~ specifying the identified lead  
19 hazards. The posted notices, drafted by the Department and sent  
20 to the property owner with the notification of lead hazards,  
21 shall indicate the following:

22           (1) that a unit or units in the building have been  
23 found to have lead hazards;

24           (2) that other units in the building may have lead  
25 hazards;

1 (3) that the Department recommends that children 6  
2 years of age or younger receive a blood lead testing  
3 ~~screening~~;

4 (4) where to seek further information; and

5 (5) whether 2 or more mitigation notices have been  
6 issued for the regulated facility ~~2 or more dwelling units~~  
7 within a 5-year period of time.

8 Once the owner has complied with a mitigation notice or  
9 mitigation order issued by the Department, the owner may remove  
10 the notices posted pursuant to this Section.

11 (Source: P.A. 94-879, eff. 6-20-06.)

12 (410 ILCS 45/10) (from Ch. 111 1/2, par. 1310)

13 Sec. 10. The Department, or representative of a unit of  
14 local government or health department approved by the  
15 Department for this purpose, shall report any violation of this  
16 Act to the State's Attorney of the county in which the  
17 regulated facility ~~dwelling~~ is located, who ~~has~~ then shall ~~the~~  
18 ~~authority to~~ charge the owner with a Class A misdemeanor, and  
19 who shall take additional measures to ensure ~~insure~~ that rent  
20 is withheld from the owner by the occupants of the ~~dwelling or~~  
21 dwelling units affected, until the mitigation requirements  
22 under Section 9 of this Act are complied with.

23 No tenant shall be evicted ~~because an individual with an~~  
24 ~~elevated blood lead level or with suspected lead poisoning~~  
25 ~~resides in the dwelling unit, or~~ because rent is withheld under

1 the provisions of this Act, or because of any action required  
2 of the ~~dwelling~~ owner of the regulated facility as a result of  
3 enforcement of this Act.

4 ~~In cases where no action is taken which will result in the~~  
5 ~~remedy of the hazard created by the lead bearing substances~~  
6 ~~within the stated time period, the local health officer and the~~  
7 ~~local building officials may as practical utilize such~~  
8 ~~community resources as are available to effect the relocation~~  
9 ~~of the individuals who occupied the dwelling or dwelling unit~~  
10 ~~affected until the remedy is made by the owner.~~

11 (Source: P.A. 87-175; 87-1144.)

12 (410 ILCS 45/11) (from Ch. 111 1/2, par. 1311)

13 Sec. 11. Lead abatement; Manner of mitigation of lead  
14 hazards. All lead abatement and lead mitigation shall be  
15 accomplished in a manner prescribed by the Department, which  
16 will not endanger the health or well-being of ~~residential~~  
17 ~~building or dwelling unit~~ occupants of regulated facilities,  
18 and will result in the safe removal from the premises, and the  
19 safe disposition, of flakes, chips, debris, dust, and other  
20 potentially harmful materials. The Department shall establish,  
21 by rule, work practice requirements for lead abatement and lead  
22 mitigation.

23 (Source: P.A. 87-175; 87-1144; 88-670, eff. 12-2-94.)

24 (410 ILCS 45/11.05)

1           Sec. 11.05. Advisory Council.

2           (a) The General Assembly finds the following:

3                 (1) Lead-based paint poisoning is a potentially  
4                 devastating but preventable disease and is the number one  
5                 environmental threat to children's health in the United  
6                 States.

7                 (2) The number of lead-poisoned children in Illinois is  
8                 among the highest in the nation, especially in older,  
9                 affordable properties.

10                (3) Lead poisoning causes irreversible damage to the  
11                development of a child's nervous system. Even at low and  
12                moderate levels, lead poisoning causes learning  
13                disabilities, speech problems, shortened attention span,  
14                hyperactivity, and behavioral problems. Recent research  
15                links high levels of lead exposure to lower IQ scores and  
16                to juvenile delinquency.

17                (4) Older housing is the number one risk factor for  
18                childhood lead poisoning. Properties built before 1950 are  
19                statistically much more likely to contain lead-based paint  
20                hazards than buildings constructed more recently.

21                (5) Illinois ranks 10th out of the 50 states in the age  
22                of its housing stock. More than 50% of the housing units in  
23                Chicago and in Rock Island, Peoria, Macon, Madison, and  
24                Kankakee counties were built before 1960 and more than 43%  
25                of the housing units in St. Clair, Winnebago, Sangamon,  
26                Kane, and Cook counties were built before 1950.

1           (6) There are nearly 1.4 million households with  
2 lead-based paint hazards in Illinois.

3           (7) Most children are lead-poisoned in their own homes  
4 through exposure to lead dust from deteriorated lead-paint  
5 surfaces, like windows, and when lead paint deteriorates or  
6 is disturbed through home renovation and repainting.

7           (8) The control of lead hazards significantly reduces  
8 lead poisoning rates. Other communities, including New  
9 York City and Milwaukee, have successfully reduced lead  
10 poisoning rates by removing lead-based paint hazards on  
11 windows.

12           (9) Windows are considered a higher lead exposure risk  
13 more often than other components in a housing unit. Windows  
14 are a major contributor of lead dust in the home, due to  
15 both weathering conditions and friction effects on paint.

16           (10) There is an insufficient pool of licensed lead  
17 abatement workers and contractors to address the problem in  
18 some areas of the State.

19           (11) Training, insurance, and licensing costs for lead  
20 removal workers are prohibitively high.

21           (12) Through grants from the United States Department  
22 of Housing and Urban Development, some communities in  
23 Illinois have begun to reduce lead poisoning of children.  
24 While this is an ongoing effort, it addresses only a small  
25 number of the low-income children statewide in communities  
26 with high levels of lead paint in the housing stock.

1 (b) For purposes of this Section:

2 "Advisory Council" means the Lead-Safe Housing Advisory  
3 Council created under subsection (c).

4 "Lead-Safe Housing Maintenance Standards" or "Standards"  
5 means standards developed by the Advisory Council pursuant to  
6 this Section.

7 "Low-income" means a household at or below 80% of the  
8 median income level for a given county as determined annually  
9 by the United States Department of Housing and Urban  
10 Development.

11 "Primary prevention" means removing lead hazards before a  
12 child is poisoned rather than relying on identification of a  
13 lead poisoned child as the triggering event.

14 (c) The Lead-Safe Housing Advisory Council is created to  
15 advise the Department on lead poisoning prevention activities.  
16 The Advisory Council shall be chaired by the Director or his or  
17 her designee and the chair of the Illinois Lead Safe Housing  
18 Task Force and provided with administrative support by the  
19 Department. The Advisory Council shall be comprised of (i) the  
20 directors, or their designees, of the Illinois Housing  
21 Development Authority and the Environmental Protection Agency;  
22 and (ii) the directors, or their designees, of public health  
23 departments of counties identified by the Department that  
24 contain communities with a concentration of high-risk,  
25 lead-contaminated properties.

26 The Advisory Council shall also include the following

1 members appointed by the Governor:

2 (1) One representative from the Illinois Association  
3 of Realtors.

4 (2) One representative from the insurance industry.

5 (3) Two pediatricians or other physicians with  
6 knowledge of lead-paint poisoning.

7 (4) Two representatives from the private-sector, lead  
8 abatement ~~lead based paint abatement~~ industry who are  
9 licensed in Illinois as a lead ~~an~~ abatement contractor,  
10 lead abatement supervisor, lead abatement worker, lead  
11 inspector, or lead risk assessor.

12 (5) Two representatives from community based  
13 organizations in communities with a concentration of high  
14 risk lead contaminated properties. High-risk communities  
15 shall be identified based upon the prevalence of low-income  
16 families whose children are lead poisoned and the age of  
17 the housing stock.

18 (6) At least 3 lead-safe housing advocates, including  
19 (i) the parent of a lead-poisoned child, (ii) a  
20 representative from a child advocacy organization, and  
21 (iii) a representative from a tenant housing organization.

22 (7) One representative from the Illinois paint and  
23 coatings industry.

24 Within 9 months after its formation, the Advisory Council  
25 shall submit a written report to the Governor and the General  
26 Assembly on:

1           (1) developing a primary prevention program for  
2           addressing lead poisoning;

3           (2) developing a sufficient pool of lead abatement  
4           workers and contractors;

5           (3) targeting blood lead testing for ~~screening to~~  
6           children residing in high-risk buildings and  
7           neighborhoods;

8           (4) ensuring lead-safe work practices in all  
9           remodeling, rehabilitation, and weatherization work;

10          (5) funding mechanisms to assist residential property  
11          owners in costs of lead abatement and mitigation;

12          (6) providing insurance subsidies to licensed lead  
13          abatement contractors who target their work to high-risk  
14          communities; and

15          (7) developing any necessary legislation or rulemaking  
16          to improve the effectiveness of State and local programs in  
17          lead abatement and other prevention and control  
18          activities.

19          The Advisory Council shall develop handbooks and training  
20          for property owners and tenants explaining the Standards and  
21          State and federal requirements for lead-safe housing.

22          The Advisory Council shall meet at least quarterly. Its  
23          members shall receive no compensation for their services, but  
24          their reasonable travel expenses actually incurred shall be  
25          reimbursed by the Department.

26          (Source: P.A. 93-348, eff. 1-1-04; 93-789, eff. 7-22-04.)

1 (410 ILCS 45/11.1) (from Ch. 111 1/2, par. 1311.1)

2 Sec. 11.1. Licensing of lead abatement contractors, lead  
3 abatement supervisors, and lead abatement workers. Except as  
4 otherwise provided in this Act, performing lead abatement or  
5 mitigation without a license is a Class A misdemeanor and is  
6 also subject to civil and administrative penalties. The  
7 Department shall provide by rule for the licensing of lead  
8 abatement contractors, lead abatement supervisors, and lead  
9 abatement workers and shall establish rules ~~standards and~~  
10 ~~procedures~~ for the licensure. The Department may collect a  
11 reasonable fee for the licenses. The fees shall be deposited  
12 into the Lead Poisoning Screening, Prevention, and Abatement  
13 Fund and used by the Department for the ~~costs of licensing lead~~  
14 ~~abatement contractors and workers and other~~ activities  
15 prescribed by this Act.

16 The Department shall promote and encourage minorities and  
17 females and minority and female owned entities to apply for  
18 licensure under this Act ~~as either licensed lead abatement~~  
19 ~~workers or licensed lead abatement contractors~~.

20 The Department may adopt any rules necessary to ensure  
21 proper implementation and administration of this Act and of the  
22 federal Toxic Substances Control Act, 15 USC 2682 and 2684, and  
23 the rules adopted ~~regulations promulgated~~ thereunder: Lead;  
24 Requirements for Lead-Based Paint Activities (40 CFR 745). The  
25 application of this Section shall not be limited to the

1 activities taken in regard to lead poisoned children and shall  
2 include all activities related to lead abatement, mitigation  
3 and training.

4 No person may act as a lead abatement contractor unless the  
5 person is licensed as a lead abatement contractor by the  
6 Department in accordance with this Act and the rules adopted  
7 under it.

8 No person may act as a lead abatement supervisor unless the  
9 person is licensed as a lead abatement supervisor by the  
10 Department in accordance with this Act and the rules adopted  
11 under it.

12 No person may act as a lead abatement worker unless the  
13 person is licensed as a lead abatement worker by the Department  
14 in accordance with this Act and the rules adopted under it.

15 Except as otherwise provided by Department rule, on and  
16 after the effective date of this amendatory Act of the 98th  
17 General Assembly, any licensing requirement adopted pursuant  
18 to this Section that may be satisfied by an industrial  
19 hygienist licensed pursuant to the Industrial Hygienists  
20 Licensure Act repealed in this amendatory Act may be satisfied  
21 by a Certified Industrial Hygienist certified by the American  
22 Board of Industrial Hygiene.

23 (Source: P.A. 98-78, eff. 7-15-13.)

24 (410 ILCS 45/12.2 new)

25 Sec. 12.2. Violations and enforcement.

1       (a) The following provisions shall apply concerning  
2 criminal sanctions:

3           (1) Violation of any Section of this Act other than  
4 Section 6.01 or Section 7 shall be punishable as a Class A  
5 misdemeanor. A violation of Section 6.01 shall cause the  
6 Department to issue a written warning for a first offense  
7 and shall be a petty offense for a second or subsequent  
8 offense if the violation occurs at the same location within  
9 12 months after the first offense.

10          (2) Any person who knowingly violates this Act or the  
11 rules adopted by the Department or who knowingly violates  
12 any determination or order of the Department under this Act  
13 shall be guilty of a Class 4 felony. A person who, after  
14 being convicted under this paragraph, knowingly violates  
15 this paragraph a second or subsequent time commits a Class  
16 3 felony.

17          (3) Any person who knowingly makes a false statement,  
18 orally or in writing, to the Department related to or  
19 required by this Act, a rule adopted under this Act, any  
20 federal law or rule for which the Department has  
21 responsibility, or any determination or order of the  
22 Department under this Act, or any permit, term, or  
23 condition thereof, commits a Class 4 felony, and each such  
24 statement or writing shall be considered a separate Class 4  
25 felony. A person who, after being convicted under this  
26 paragraph, knowingly violates this paragraph a second or

1 subsequent time commits a Class 3 felony.

2 (4) Any criminal action brought under this Section  
3 shall be brought by the State's Attorney of the county in  
4 which the violation occurred or by the Attorney General and  
5 shall be conducted in accordance with the applicable  
6 provisions of the Code of Criminal Procedure of 1963.

7 (5) For an offense described in this subsection (a),  
8 the period for commencing prosecution prescribed by the  
9 statute of limitations shall not begin to run until the  
10 offense is discovered by or reported to a State or local  
11 agency having the authority to investigate violations of  
12 this Act.

13 (6) In addition to any other penalty provided under  
14 this Act, the court in a criminal action brought under this  
15 subsection (a) may impose upon any person who violates this  
16 Act or the rules adopted under this Act or who does not  
17 comply with a notice of deficiency and a mitigation order  
18 issued under subsection (7) of Section 9 of this Act or who  
19 fails to comply with subsection (3) or subsection (5) of  
20 Section 9 of this Act a penalty not to exceed \$5,000 for  
21 each violation. Each day a violation exists constitutes a  
22 separate violation. In assessing a criminal penalty under  
23 this Section, the court shall consider any civil fines the  
24 person has paid which were imposed pursuant to subsection  
25 (b) of this Section. Any penalties collected in a court  
26 proceeding shall be deposited into a delegated county lead

1 poisoning screening, prevention, and abatement fund or, if  
2 no delegated county or lead poisoning screening,  
3 prevention, and abatement fund exists, into the Lead  
4 Poisoning Screening, Prevention, and Abatement Fund  
5 established under Section 7.2 of this Act.

6 (b) The Department is authorized to assess administrative  
7 civil fines against any licensee or any other person who  
8 violates this Act or the rules adopted under this Act. These  
9 fines may be assessed in addition to or in lieu of license  
10 suspensions or revocations and in addition to or in lieu of  
11 criminal sanctions. The amount of the administrative civil fine  
12 shall be determined by rules adopted by the Department. Each  
13 day a violation exists shall constitute a separate violation.  
14 The minimum civil fine shall be \$50 per violation per day and  
15 the maximum civil fine shall be \$5,000 per violation per day.  
16 Any civil fines so collected shall be deposited into the Lead  
17 Poisoning Screening, Prevention, and Abatement Fund  
18 established under Section 7.2 of this Act.

19 (c) The Director, after notice and opportunity for hearing,  
20 may deny, suspend, or revoke a license of a licensee or fine a  
21 licensee or any other person who has violated this Act or the  
22 rules adopted under this Act. Notice shall be provided by  
23 certified mail, return receipt requested, or by personal  
24 service, fixing a date, not less than 15 days from the date of  
25 such mailing or service, at which time the person shall be  
26 given an opportunity to request a hearing. Failure to request a

1 hearing within that time period constitutes a waiver of the  
2 right to a hearing. The hearing shall be conducted by the  
3 Director or by an individual designated in writing by the  
4 Director as a hearing officer to conduct the hearing. On the  
5 basis of any such hearing or upon default of the respondent,  
6 the Director shall make a determination specifying his or her  
7 findings and conclusions. A copy of the determination shall be  
8 sent by certified mail, return receipt requested, or served  
9 personally upon the respondent.

10 (d) The procedure governing hearings authorized by this  
11 Section shall be in accordance with rules adopted by the  
12 Department. A full and complete record shall be kept of all  
13 proceedings, including the notice of hearing, complaint, and  
14 all other documents in the nature of pleadings, written motions  
15 filed in the proceedings, and the report and orders of the  
16 Director and hearing officer. All testimony shall be reported,  
17 but need not be transcribed unless the decision is sought to be  
18 reviewed under the Administrative Review Law. A copy or copies  
19 of the transcript may be obtained by any interested party on  
20 payment of the cost of preparing the copy or copies. The  
21 Director or hearing officer shall, upon his or her own motion  
22 or on the written request of any party to the proceeding, issue  
23 subpoenas requiring the attendance and the giving of testimony  
24 by witnesses and subpoenas duces tecum requiring the production  
25 of books, papers, records, or memoranda. All subpoenas and  
26 subpoenas duces tecum issued under this Act may be served by

1 any person of legal age. The fees of witnesses for attendance  
2 and travel shall be the same as the fees of witnesses before  
3 the courts of this State, such fees to be paid when the witness  
4 is excused from further attendance. When the witness is  
5 subpoenaed at the instance of the Director or hearing officer,  
6 the fees shall be paid in the same manner as other expenses of  
7 the Department, and when the witness is subpoenaed at the  
8 instance of any other party to any such proceeding the  
9 Department may require that the cost of service of the subpoena  
10 or subpoena duces tecum and the fee of the witness be borne by  
11 the party at whose instance the witness is summoned. In such  
12 case, the Department in its discretion may require a deposit to  
13 cover the cost of such service and witness fees. A subpoena or  
14 subpoena duces tecum so issued pursuant to this subsection (d)  
15 shall be served in the same manner as a subpoena issued by a  
16 circuit court.

17 (e) Any circuit court of this State, upon the application  
18 of the Director or upon the application of any other party to  
19 the proceeding, may, in its discretion, compel the attendance  
20 of witnesses, the production of books, papers, records, or  
21 memoranda, and the giving of testimony before the Director or  
22 hearing officer conducting an investigation or holding a  
23 hearing authorized by this Act, by an attachment for contempt  
24 or otherwise, in the same manner as production of evidence may  
25 be compelled before the court.

26 (f) All final administrative decisions of the Department

1 under this Act shall be subject to judicial review pursuant to  
2 the provisions of the Administrative Review Law and the rules  
3 adopted under it. "Administrative decision" has the meaning  
4 ascribed to it in Section 3-101 of the Code of Civil Procedure.  
5 The Department is not required to certify any record or file  
6 any answer or otherwise appear in any proceeding for judicial  
7 review unless the party filing the complaint deposits with the  
8 clerk of the court the sum of \$2 per page representing the  
9 costs of the certification. Failure on the part of the  
10 plaintiff to make such deposit shall be grounds for dismissal  
11 of the action.

12 (g) The State's Attorney of the county in which the  
13 violation occurred or the Attorney General shall bring such  
14 actions in the name of the people of the State of Illinois and  
15 may, in addition to other remedies provided in this Act, bring  
16 action for an injunction to restrain such violation, impose  
17 civil penalties, and enjoin the operation of any such person or  
18 establishment.

19 (410 ILCS 45/13) (from Ch. 111 1/2, par. 1313)

20 Sec. 13. The Department is authorized to adopt ~~promulgate~~  
21 reasonable rules ~~and regulations~~ for carrying out the  
22 provisions of this Act.

23 (Source: P.A. 87-175.)

24 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

1           Sec. 14. Departmental rules ~~regulations~~ and activities.  
2           The Department shall establish and publish rules ~~regulations~~  
3           ~~and guidelines~~ governing permissible limits of lead in and  
4           about regulated facilities ~~residential buildings and~~  
5           ~~dwellings~~.

6           The Department shall also initiate activities that:

7           (a) Either ~~Will either~~ provide for or support the  
8           monitoring and validation of all medical laboratories and  
9           private and public hospitals that perform lead  
10          determination tests on human blood or other tissues.

11          (b) Subject ~~Will, subject~~ to Section 7.2 of this Act,  
12          provide laboratory testing of blood specimens for lead  
13          content to any physician, hospital, clinic, free clinic,  
14          municipality, or private organization that cannot secure  
15          or provide the services through other sources. The  
16          Department shall not assume responsibility for blood lead  
17          analysis required in programs currently in operation.

18          (c) Develop ~~Will develop~~ or encourage the development  
19          of appropriate programs and studies to identify sources of  
20          lead intoxication and assist other entities in the  
21          identification of lead in children's blood and the sources  
22          of that intoxication.

23          (d) Provide ~~May provide~~ technical assistance and  
24          consultation to local, county, or regional governmental or  
25          private agencies for the promotion and development of lead  
26          poisoning prevention programs.

1           (e) Provide ~~Will provide~~ recommendations by the  
2 Department on the subject of identification, case  
3 management, and treatment of lead poisoning.

4           (f) Maintain ~~Will maintain~~ a clearinghouse of  
5 information, and will develop additional educational  
6 materials, on (i) lead hazards to children, (ii) lead  
7 poisoning prevention, (iii) blood lead testing ~~poisoning~~  
8 ~~screening~~, (iv) lead mitigation, lead abatement, and  
9 disposal, and (v) health hazards during lead abatement. The  
10 Department shall make this information available to the  
11 general public.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 (410 ILCS 45/9.2 rep.)

14 (410 ILCS 45/9.3 rep.)

15 (410 ILCS 45/11.2 rep.)

16 (410 ILCS 45/12 rep.)

17 Section 10. The Lead Poisoning Prevention Act is amended by  
18 repealing Sections 9.2, 9.3, 11.2, and 12.